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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,615	08/17/2001	Richard G. Hartmann	END920010020US1	5353

7590 07/17/2006

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EXAMINER

REILLY, SEAN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/932,615	Applicant(s) HARTMANN ET AL.	
	Examiner Sean Reilly	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on April 20, 2006. Claims 1-106 are presented for further examination. Independent claims 1, 18, 23, 32, 49, 58, 63, 71, 88, 105, and 106 have been amended.

Specification

Applicant's amendments to the specification as filed on April 20, 2006 are accepted and entered into the record.

Response to Arguments

1. In response to Applicant's request for reconsideration filed on April 20, 2006 the following factual arguments are noted. Note it is presumed Applicant intended to submit the arguments dated April 20, 2006 in response to the non-final office action mailed 1/17/2006 even though Applicant states that these arguments "are responsive to the Office action of Examiner Sean M. Reilly of **30 Jun 2005**, designated final" (emphasis added) on page 1 of the arguments.

- a. Applicant's amendments to the specification and claims overcome the outstanding 35 U.S.C. 101 rejection.
- b. Boe failed to teach a confirmation record and other various server responses reaching a client.
- c. The combination of Chen and Boe fails to meet Applicant's new definition of a client in the amended claims.

In considering (a), Applicant's amendments have overcome the 35 U.S.C. 101 rejection with regard to claims 71-104 however claims 105-106 still remain rejected under 35 U.S.C. 101. The amendments to claims 105-106 failed to embody the claimed program or program instructions on a storage medium (as Examiner indicated in the previous office dated 1/17/2006). A computer program must be embodied on a storage medium in order to be statutory. Applicant is invited to review the latest "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (signed October 26th, 2005) which further clarifies computer-related nonstatutory subject matter on pages 50-57.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

In considering (b), Examiner has withdrawn the 102 rejection with regard to the Boe reference thus these arguments are moot.

In considering (c), Examiner respectfully disagrees with Applicant's argument. Foremost Applicant should note that Chen clearly shows that the client and server are involved in direct telnet negotiations over a single protocol (TCP/IP) (see inter alia Figure 1). Applicant has successfully amended to overcome the Boe 102 rejection as indicated above. However, in the current 103 rejection Examiner proposes modifying the telnet negotiations of Chen to include the negotiations Boe utilizes between the TN3270 server and host mainframe 12. Examiner maintains that such a modification would have been obvious to one of ordinary skill in the art in order to further expand the compatibility of Chen's system, by enabling telnet clients to

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communicate with telnet servers/mainframes that utilize the old proprietary SNA server protocol or protocols derived from the old proprietary SNA server protocol.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 105-106 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. With regard to claims 105 and 106, these claims are non-statutory as they fail to embody the claimed program or program instructions on a storage medium. A computer program must be embodied on a storage medium in order to be statutory. Applicant is invited to review the latest "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (signed October 26th, 2005) which further clarifies computer-related nonstatutory subject matter on pages 50-57.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boe et al. (U.S. Patent Number 6,122,276; hereinafter Boe) and Chen et al. (U.S. Patent Number 6,182,220; hereinafter Chen) and Murphy et al. (RFC 287, "5250 Telnet Enhancements" July 2000; hereinafter Murphy).

5. With regard to claim 1, Chen disclosed a method for processing a client (telnet client, figure 1) session request received at a server (telnet server, figure 1), comprising the steps: negotiating environment parameters for establishing a connection-oriented connection of said server with said client (e.g. telnet client and server negotiating environment options, see inter alia Col 2, lines 54-65), said client and said server communicating over said connection using a same client/server communications protocol (e.g. TCP/IP, see Figure 1); said client including a graphical user interface (required for a user to login and control a telnet session, see inter alia Col 1, lines 25-30); said server inviting said client to submit user variables (Col 2, lines 55-58).

Chen disclosed substantial features of the claimed invention however, Chen failed to specifically recite: 1) said client including a graphical user interface selectively assigned a session name enabling client emulator communication at an application layer with said server and 2) responsive to receiving a user variable requesting a custom confirmation record received at said server from said client, said server sending to said client a confirmation record and custom record data for enabling said client to engage in subsequent programmable negotiations directly with said server.

With regard to point 1), Chen failed to specifically recite said client including a graphical user interface selectively assigned a session name enabling client emulator communication at an application layer with said server. Nonetheless it was widely known in the art at the time of

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Applicant's invention to assign session names to telnet session, as evidenced by at least Murphy. In a similar telnet system Murphy disclosed assigning a session name (i.e. virtual device name, see inter alia virtual device negotiations pg 6 and device name collision processing pg 14). The utilizing a virtual device name during a telnet session the server is able to identify all the parameters negotiated and allocated to a particular virtual device (Murphy pg 6). Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate the virtual device name functionality as disclosed by Murphy within Chen's system, so that Chen's telnet server is able to identify all the parameters negotiated and allocated to a particular virtual device for a client's telnet session.

With regard to point 2) Chen disclosed substantial features of the claimed invention however, Chen failed to specifically recite responsive to receiving a user variable requesting a custom confirmation record received at said server from said client, said server sending to said client a confirmation record and custom record data for enabling said client to engage in subsequent programmable negotiations directly with said server. Nonetheless such a telnet negotiation scheme was widely known and utilized in the networking art at the time of Applicant's invention, as evidenced by Boe. In an analogous telnet system, Boe disclosed negotiating environment parameters for establishing a telnet session between a client (TN3270 server) and a server (Host Mainframe 12) (see inter alia, figure 4). Boe further disclosed responsive to receiving a user variable requesting a custom confirmation record received at said server from said client, said server sending to said client a confirmation record (line D, fig. 4); host sends a confirmation response to requesting client via the server to signify a connection and custom record data for enabling said client to engage in subsequent programmable negotiations

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directly with said server (line E, fig. 4, col. 5, lines 25-28., in response to the client request, host sends custom record data (local address x) to client, thus forming a custom confirmation record).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate the telnet negotiation scheme disclosed by Boe within Chen's system, in order to further expand the compatibility of Chen's system, by enabling telnet clients to communicate with telnet servers that utilize the old proprietary SNA server protocol or protocols derived from the old proprietary SNA server protocol. Additionally Boe's negotiation scheme allows additional telnet capabilities to be negotiated and implemented and would thus increase the telnet capabilities and features of Chen's system.

6. Claim 18 is rejected for similar reasons as claim 1 addressed above. Boe further teaches client (18, fig. 1)/server (20, fig. 1) system; a user exit program running on said server (abstract); said client operating in conjunction with said user exit program for requesting said custom confirmation record (lines A and B, fig. 4).

7. With regard to claims 2, 33, 59, 64, 72, 89, Chen disclosed negotiating, inviting, and sending steps executing within the application layer of a TCP/IP protocol stack (Chen Figure 1, TCP/IP is the protocol used for communication).

8. As per claim 3, Boe teaches the step responsive to a user variable requesting a confirmation record, sending to said client a confirmation record without said custom record data (Fig. 4, line E).

9. With regard to claims 4-6, Boe further teaches the confirmation record including a field defining a pass through data length, said pass through data including said confirmation record

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and said custom record data (RU, fig. 2, col. 4, lines 38-40, lines 64-66; col. 5, lines 7-10, lines 25-28; RU (Request/Response Unit) field includes subfields that indicate various data parameters of the request/response/packet); appending said custom record data to said confirmation record (line E, fig. 4; in addition to default response stated in claims 2-3 above, updated responses also includes custom record data x).

10. With regard to claims 7-8, Boe further teaches the request being for a defined custom confirmation record, said request including a list of one or more predefined information items (local address x), further comprising the step of sending to said client defined data in said custom record data (line E, fig. 4).

11. As per claims 9-12 and 17, Boe teaches providing in said custom record data indicia identifying a device, terminal, associated device (line C, fig. 4., device model=ml) allocated by a host server; physical location (line C, fig. 4., local address=x) for receiving output; and custom information for interpretation by said client (col. 5, lines 25-29; host sends custom response record to client.)

12. As per claims 13-16, Boe teaches the client negotiating with the host to establish a connection (line B, fig. 4). Boe further teaches plurality of new clients trying to log on and negotiating with the host for service connection (lines M, N, fig. 4). However, Boe does not specifically disclose providing in custom record data indicia identifying system security level and password encryption requirements, another device for retrying a rejected request, a reason for a failed auto-signon request, and a reason for denial of session connection request upon system overload and redirection to an alternate time or host. Nonetheless providing such

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information to clients logging into telnet system was widely known at the time of the invention, as evidenced by Murphy. In an analogous art, Murphy disclosed a standard for telnet clients and servers to communicate (Abstract). Murphy's protocol provides clients logging into a telnet system with detailed custom record data response codes for use in establishing and debugging connections (Murphy see inter alia pgs 20 and 21 Response codes). The response information includes identifying system security level and password encryption requirements (Murphy see pgs 7 and 8), another device for retrying a rejected request, a reason for a failed auto-signon request, and a reason for denial of session connection request upon system overload and redirection to an alternate time or host (see inter alia pgs 20 and 21 Response codes). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Murphy into Boe's system in order to maintain compatibility with other known telnet protocols and further to provide connecting clients with more detailed connection information for negotiating and debugging telnet sessions.

13. As per claim 19, Boe teaches client being a Telnet client (e.g. the TN3270 Server receives telnet session information from the Host mainframe Figure 4, lines D or E).

14. Claims 20 and 22 are rejected for similar reasons as claims 1-8 and 18 addressed above.

15. Claims 21, 44-47, 83-86, 100-103 are rejected for similar reasons as claims 13-16 addressed above.

16. Claims 23, 32, 49, 58, 63, 71, 88, 105, and 106 are rejected for similar reasons as claim 1 addressed above. Boe further teaches negotiating environment parameters for establishing a connection-oriented connection with said server (lines B, C, fig. 4; environment parameters include PSIO, Power on, LocAdd-x, etc.)

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17. Claims 34, 60, 65, 73, 90 are rejected for similar reasons as claims 3 above.

18. Claims 35-37, 61-62, 66-68, 74-76, 91-93 are rejected for similar reasons as claims 4-6 above.

19. Claims 38-39, 69-70, 77-78, 94-95 are rejected for similar reasons as claims 7-8 above.

20. Claims 40-43, 48, 79-82, 87, 96-99, and 104 are rejected for similar reasons as claims 9-12 and 17 above.

Conclusion

21. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 3, 2006


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